



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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IN THE PATENT APPLICATION OF:

JOEL C. VANDERZEE, MICHAEL W. MURRY,  
RICHARD L. VOGEL AND MATTHEW A.  
SHEPECK

U.S. SERIAL NO: 09/976,194

GROUP: 2857

FILED: OCTOBER 11, 2001

EXAMINER: JEFFREY R. WEST

FOR: DETERMINATION AND APPLICATIONS OF  
THREE-PHASE POWER FACTOR  
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La Crosse, Wisconsin  
October 27, 2006

I hereby certify that this correspondence  
is being deposited with the U.S. Postal  
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Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450 on

10/27/06 William O'Driscoll  
Date William O'Driscoll

RESPONSE

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Dear Sir:

This is in Response to the Notification of Non-Compliant Amendment  
mailed on July 26, 2006. In view of the statement in the Notification of Non-  
Compliant Appeal Brief "Extensions of this time period may be granted under 37  
C.F.R. 1.136", a request for a three month extension of the term for response is  
being submitted herewith effectively extending the term for response from August  
26, 2006 to November 26, 2006.

Remarks

In the Notice of Non-Compliant Amendment, nine of the ten boxes on Form PTOL-462 relative to notification of a non-compliant brief are checked off.

With regard to Box 1, the titles in the Brief have been corrected and the Grouping of the Claims section has been deleted since it is no longer listed as a requirement in 37 C.F.R. Section 41.37.

With regard to Box 2, statements to the effect that claims 15 and 34 are canceled have been added and that the rejection of all rejected claims is being appealed.

With regard to Box 4, the summary of claimed subject matter has been extensively amended including the incorporation of the claims with designations to the Specification and Drawings.

With regard to Box 5, the newly renamed section "Grounds of Rejection to be Reviewed on Appeal" has been amended to contain a concise statement of the Grounds for Rejection.

With regard to Box 6, there is now a heading in the Argument which corresponds to each of the Grounds listed in the section "Grounds of Rejection to be Reviewed on Appeal".

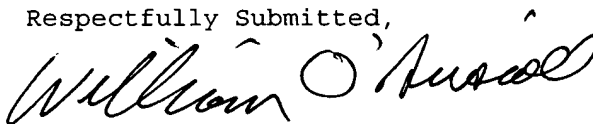
With regard to Box 7, applicant agrees that an incorrect copy of the appealed claims was submitted. No clear explanation can be provided as amendments to claims 1 and 20 were not intended and appear to result from the use of an inadvertent draft copy of the claims left in the file. Corrected original claims are now presented.

With regard to Box 8, the appendix with the Specification and Patents has been relabeled and annotated with the record of evidence.

With regard to Box 9, applicant traverses this rejection on the basis that no decisions were cited and therefore the requirement is not applicable.

With regard to Box 10, no specific response is required.

Respectfully Submitted,



William O'Driscoll  
Registration No. 33,294

Telephone Number: (608) 787-2538



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Brief - Patents, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450

on

10/27/06  
Date

*William O'Driscoll*  
William O'Driscoll

STATEMENT OF SUBSTANCE OF THE INTERVIEW

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

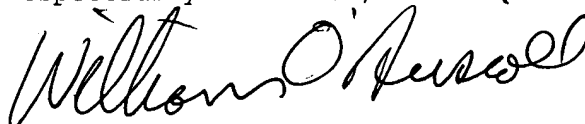
Dear Sir:

Remarks

Supplementing the Interview Summary mailed with Notice of  
Abandonment on 23 October 2006, Applicant has had several discussions with  
the Examiner regarding whether the time period in response to the  
Notification of Non-Compliant Appeal Brief could be extended beyond the  
thirty day period. The Notification of Non-Compliant Appeal Brief itself  
states, without any inherent restriction, that "Extensions of this time  
period may be granted under 37 C.F.R. 1.136". The Examiner and his

supervisor initially tended to agree with applicant but further discussion with the Board of Patent Appeals resulted in the Examiner's determination that the time period could not be extended. In contrast, applicant believes that the time period for responding to the Notification of Non-Compliant Appeal Brief can be extended.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "William O'Driscoll". The signature is fluid and cursive, with a large, stylized "W" and "O".

William O'Driscoll  
Registration No. 33,294

Telephone Number: (608) 787-2538

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

09/976,194

Applicant(s)

VANDERZEE ET AL.

Examiner

Jeffrey R. West

Art Unit

2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 01 May 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800